

TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, at 6.30 pm on Wednesday, 15 December 2021

PRESENT:

The Mayor Councillor Chris Woodward (Chairman)
Councillors Bailey, Bland (Vice-Chairman), Chapelard, Dawlings, Ellis, Everitt, Fairweather, Funnell, Hall, Hamilton, Hayward, Hill, March, Pound, Rands, Sankey, Scott, Simmons, Thomson, White, Willis and Wormington

IN ATTENDANCE: William Benson (Chief Executive), Renee Dillon (Democratic and Executive Support Manager), Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer) and Mark O'Callaghan (Scrutiny and Engagement Officer)

IN MEMORIAM ELIZABETH THOMAS

FC49/21 The Council observed a minute silence following the death of former mayor Elizabeth Thomas. Elizabeth served as a Councillor for Paddock Wood West from 2002 until March 2021 and was Mayor in 2011/12.

APOLOGIES FOR ABSENCE

FC50/21 In response to increased covid restrictions, members agreed before the meeting to only attend in reduced numbers in proportion to their overall share of seats on the Council. Consequently, apologies were received from Councillors Allen, Atkins, Atwood, Backhouse, Barrington-King, Britcher-Allan, Fitzsimmons, Goodship, Dr Hall. L, Hickey, Hills. B, Holden, Knight, Lewis, Lidstone, McDermott, Morton, Ms Palmer, Patterson, Poile, Pope, Roberts, Rutland, Scholes, and Warne.

MINUTES OF THE EXTRAORDINARY MEETING DATED 06 OCTOBER 2021

FC51/21 No amendments were proposed.

RESOLVED – That the minutes of the extraordinary meeting dated 06 October 2021 be approved as a correct record.

MINUTES OF THE ORDINARY MEETING DATED 06 OCTOBER 2021

FC52/21 No amendments were proposed.

RESOLVED – That the minutes of the ordinary meeting dated 06 October 2021 be approved as a correct record.

DECLARATIONS OF INTEREST

FC53/21 No declarations of pecuniary or other significant interest were made.

ANNOUNCEMENTS

FC54/21 The Mayor announced:

- Details of mayoral engagements had been circulated under separate cover.

The Leader of the Council announced:

- A Covid update had been planned but this would now be provided as part of an answer to the questions on the agenda.

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC55/21 The Mayor advised that no questions from members of the public had been received under Council Procedure Rule 8.

QUESTIONS FROM MEMBERS OF THE COUNCIL

FC56/21 The Mayor advised that 2 questions and 1 urgent question from members of the council had been received under Council Procedure Rule 10.

1. Question from Councillor Chapelard

“What is the total loss of income to Tunbridge Wells Borough Council for each missed fortnightly garden waste collection due to the current suspension of this service?”

Answer from Councillor Bailey

“We took the difficult decision to suspend the garden waste service to protect our main waste and recycling collections that all households in our borough – regardless of income level – need and expect the council to provide. This decision to prioritise our statutory services has come at a financial cost to the council with gross income reduced by approximately £45,000 each fortnight whilst the suspension continues.”

Supplementary question from Councillor Chapelard

“With that £45,000 loss of income, what is the split between Tunbridge Wells Borough Council and its contractor Urbaser?”

Answer from Councillor Bailey

“That £45,000 figure is the figure for Tunbridge Wells Borough Council.”

2. Question from Councillor Wormington

“In light of the huge public outcry against violent crimes towards women and a clear public desire for safer spaces for women, do you agree that Tunbridge Wells Borough Council’s long standing custom and practice, which is simply to repair and replace park lights, not to install new ones, is no longer fit for purpose?”

Answer from Councillor Scott

“Freedom from fear of attack is extremely important, a matter I take very seriously and have discussed this internally and with the Police. We are very keen to act together with the Police and through our community groups. We have considered various steps to actually assist in this, in terms of looking at various systems in determining areas of concern and, in fact, working with the Police in that and we hope to have details of that system we are developing soon. The question of lights in the parks is quite a complex question which I’m more than happy to go through. The actual responsibility for street lights

and parts of the park actually is subdivided between Kent County Council, Tunbridge Wells Borough Council, Housing Associations and private landowners. We have some responsibility for repairing and maintaining lights for which we are responsible. We have not actually had a request from the Friends Groups of the parks yet for change of those lights. I am concerned about them, however, we also have various other conflicting interests in terms of heritage of the various units, etcetera. Some of our parks do not actually have any lights and whether we want to actually move to a point where lights are there, or not, is an open question of some concern to a lot of people who prefer darkness. So, I think that the question of heritage, how we're actually dealing with the lights is an open question and one that is not a simple rush to actually replace all heritage lights or add a large number of additional lights when the public may not wish that. I think the main concern is how do we actually reduce fear and the potential of criminal action anywhere in our borough."

Supplementary question from Councillor Wormington

"Do you have any plans for the installation of any new lights and, if not, what would need to take place for you to consider doing so."

Answer from Councillor Scott

"Most of the lights in the borough have either been replaced or are being replaced with LEDs – that's been an ongoing programme for quite some time – and downward facing lights to actually ensure the light is conducted in the correct areas. The concern is when you put lights in areas that have not been previously lit you've got to be very careful that you don't actually accentuate the dark areas as opposed to actually improving the pure lighting. So, it is complex about where you put lights, how you put lights and how you actually deal with the areas. I think the whole lighting issue and the various other actions we are taking to look at safety and freedom from the fear of attack needs to be looked at as a combined whole, which we are actively pursuing."

3. Urgent question from Councillor Everitt

"Given the increase of the Covid alert level to four, a potential rapid increase of Covid-19 cases in our community and the Prime Minister's new target for booster vaccinations, can the Leader please advise what additional support is being offered by central government and what our Council will do to help deliver the booster program, support our residents and help businesses disrupted by increased restrictions?"

Answer from Councillor Dawlings

"I had intended to give an update under agenda item 5 (Announcements) but I'm happy to do this in response to your question. Clearly we're facing a very concerning situation and we'll be facing some challenging times in the weeks and months ahead. Infections are increasing across the country, and the county, and there are also signs of increased admissions to hospital. Thankfully, mortality rates are remaining flat. Members will be aware from the recent announcement that the government is responding to the vastly increased transmissibility of the Omicron variant by moving to 'Plan B' and by increasing the rate that people are receiving the booster vaccination. In Kent this means increasing the number of vaccines delivered from 13,500 per day to 30,000 per day. I'm pleased to say that in Kent we have a good coverage

with 675,000 booster jabs delivered, covering 56 per cent of the adult population and, crucially, 87 per cent of high-risk residents and three-quarters of the those who are over 50. You've asked how the Council can help deliver the booster programme and support residents and businesses. The Council meets regularly with NHS colleagues and other partners through meetings of the Kent Leaders, Kent Chief Executives and the Local Resilience Forum. We have used those meetings to call for greater capacity and more venues for both testing and vaccination in the borough and we have offered support in terms of premises, staff and any other assistance as we can provide. I've had a meeting today with other council leaders across the county and was told by the head of the Care Commissioning Group that we should have further details tomorrow of their plan to be able to offer booster vaccinations to everyone who is eligible by the end of the year. At that meeting I expressed my concern of the lack of a vaccination centre in Tunbridge Wells where we had offered the NHS a facility. In terms of support we are providing, we continue to provide eligible residents who have had to self-isolate as well as a host of other things that the Chief Executive outlined at last-weeks Members' Briefing. As for businesses, we are continuing to manage historic schemes and readying ourselves to manage any future support schemes that the government announces in response to either current or possible further restrictions."

Supplementary question from Councillor Everitt

"Could I clarify that the Council will not be receiving direct financial support from central government to support businesses in our community disrupted by restrictions and also to support our residents."

Answer from Councillor Dawlings

"We have received financial assistance throughout the restriction periods up until now. We have no idea as to whether further finance is going to be provided."

RETURN OF PERSONS ELECTED

FC57/21 The Chief Executive, as Returning Officer for the election held on Thursday 25 November 2021, submitted the return of persons elected to the Borough Council as set out in the agenda report.

CHANGES TO THE APPOINTMENTS TO COMMITTEES (DECEMBER 2021)

FC58/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendation set out in the report on the agenda.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That the allocation of seats to Committees (political balance), as set out at paragraph 3.7 of the report, be approved.
2. That the appointments to Committees, nominated by Group Leaders, including the Chairmanships and Vice-Chairmanships of the Committees as set out at appendix A to the report, be approved.

TIMETABLE OF MEETINGS 2022/23

FC59/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendation set out in the report on the agenda.

Debate included:

- Meetings which had been moved to the day-time during the restrictions had returned to their usual evening times.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Timetable of Meetings for 2022/23, as at Appendix A to the report, be agreed.

CHANGES TO THE CONSTITUTION (DECEMBER 2021)

FC60/21 Councillor Dawlings moved, and Councillor Hamilton seconded, the recommendation set out in the report on the agenda.

The Chief Executive advised that the proposed amendments to the Constitution set out in appendices C, D and E to the report related to procedures for dealing with complaints against the Council's statutory officers and as such said officers would leave the chamber during the debate on those items.

In relation to the proposed amendments to the Constitution set out in appendices A, B, F, G, H, I and J to the report, debate included:

- There was no need for the word limit on motions, this was solving a problem that did not exist.
- The accumulated effect of the changes was to transfer too much power to officers.
- Notwithstanding the honourable intentions of the current officers, the changes could reduce accountability in future.
- The Climate Emergency declaration was an example of a motion that was too long and encompassed too many different aspects.
- Motions should be more succinct and specific.
- The Climate Emergency declaration was one of the most strongly supported motions in recent business and, owing to the complexity of the subject, was an example of why a word limit could be counterproductive.
- The wording of the word limit on motions deliberately stated that motions should not 'normally' exceed 250 words, leaving that discretion where appropriate.
- Multiple short motions was preferable to long multi-part motions.
- Short motions would help public comprehension.

The Mayor took a vote on the proposed amendments to the Constitution as set out in Appendices A, B, F, G, H, I and J by show of hands. Votes cast were 16 for, 4 against with 3 abstentions.

PART MOTION CARRIED

In response to several questions of clarification, the Monitoring Officer advised that it was not possible to define what might be considered as trivial in respect of complaints against the statutory officers but that it would be for

the Monitoring Officer to determine whether a complaint against the Chief Executive was serious. Furthermore, there was no legal definition of 'vexatious' within the context of these proposed amendments to the Constitution. The Chief Executive and Monitoring Officer left the chamber.

In relation to the proposed amendments to the Constitution set out in appendices C, D and E to the report, debate included:

- It was unclear whether the Monitoring Officer would determine whether a complaint against the Chief Executive was serious before or after consulting Group Leaders and the Head of Human Resources.
- The wording relating to the sequence of consultation when determining whether a complaint against the Chief Executive was serious implied that consultation would occur before determination.
- Group Leaders should not be involved in the determination whether a complaint against the Chief Executive was serious.

The Mayor took a vote on the proposed amendments to the Constitution as set out in Appendices C, D and E by show of hands. Votes cast were 9 for, 11 against with 3 abstentions.

PART MOTION NOT CARRIED

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That the amendments to the Constitution as set out in Appendices A, B, F, G, H, I, J to the report be agreed;
2. That the Head of Legal Partnership and Monitoring Officer be authorised to make all other necessary and consequential changes to the Constitution to give effect to these recommendations; and
3. That the proposed arrangements relating to hybrid Council meetings referred to in Appendix J to the report, be kept under review by the Monitoring Officer, and the Monitoring Officer be authorised to make all other necessary and consequential changes to these provisions.

EXTERNAL AUDIT CONTRACT

FC61/21 Councillor Simmons moved, and Councillor Hamilton seconded, the recommendation set out in the report on the agenda.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Council opt into the national arrangement for the procurement of external audit.

STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY 2022-25

FC62/21 Councillor Bailey moved, and Councillor Thomson seconded, the recommendation set out in the report on the agenda.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the revised Statement of Licensing Principles for Gambling Act 2005 Policy 2022-2025, as set out at Appendix A to the report, be adopted with effect from 7 January 2022.

CIVIC MEDALLION NOMINATION (DECEMBER 2021)

FC63/21 Councillor March moved, and Councillor Fairweather seconded, the recommendation set out in the report on the agenda.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That a Civic Medallion be awarded to the individual set out at Exempt Appendix A to the report.

Note: The matter was decided in the public session taking the exempt information set out in the agenda as read.

AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2020/21

FC64/21 Councillor Simmons moved, and Councillor Hamilton seconded, the recommendation set out in the report on the agenda.

Debate included:

- Paragraph 1.1 and 1.2 of the covering report contained a typographic error and should be read as referring to municipal year 2020/21.
- The report referred to the committee being able to return to its normal work thanks to the 'government's' vaccination programme, this should be to the credit of the NHS.
- The committee's request for a cross-party working group in November 2019 had not been heeded and subsequently the Chairman and Vice-Chairman were removed from their posts. The claim that the committee provided independent review could not be substantiated.
- Notwithstanding the government's role in initiating and funding the vaccination programme, no diminution of the efforts of the NHS was intended.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Audit and Governance Committee Annual Report for 2020/21 as set out at Appendix A to the report be noted.

URGENT BUSINESS

FC65/21 There was no urgent business.

COMMON SEAL OF THE COUNCIL

FC66/21 **RESOLVED** – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

DATE OF NEXT MEETING

FC67/21 The next scheduled meeting was Wednesday 23 February 2022.

NOTES: The meeting concluded at 7.50 pm.